

CRANE ENGINEERING EDITS / OBJECTIONS TO JUNE 13, 2013
LETTER by Ashcraft, Herman, Musslewhite, Underwood and Herrera Law
Firms

This protocol is distributed by Crane Engineering Please define the steering committee. did Crane hold a steering meeting to develop the criteria for the protocol, if so who initially developed the initial protocol as developed by the Steering Committee.

Crane File No.: B7990
Crane Descriptor: SUP- WEST FERTILIZER- WEST TEXAS
Date of Loss: April 7, 2013

Date: June 24, 2013
Time: 8:30a.m.
Location: West Fertilizer Site, 1471 Jerry Mashek Drive, West, Texas
Interested parties should meet in the West High School parking lot.

Protocol for Removal of Debris Piles East of the West Fertilizer Site
RE: LARGE DEBRIS PILE AND CORN/MILO PILES EAST OF JERRY MASHEK DRIVE

This inspection will begin on Monday, June 24, 2013 beginning at 8:30AM and will continue during daylight hours until completion of the removal of material on the east side of Jerry Mashek Road. Crane Engineering will provide an updated site safety plan that is specific to operations on the east side of Jerry Mashek Road. This will be distributed in a separate communication.

This inspection will be limited to the material piles on the east side of Jerry Mashek Road. Access to the West Fertilizer property will be limited to the Crane site trailer and facilities located adjacent to the trailer.

1. ~~The property owner Ms. (b) (6) has requested that the "Large Debris Pile" (LDP) be immediately removed from her property. This protocol is based upon the representation by Crane Engineering that the "Large Debris Pile" (LDP) does not contain material evidence that is reasonably likely to lead to the discovery of admissible evidence.~~

2. ~~The LDP and the Corn and Milo piles pose issues regarding vermin and decay and may result in significant liability issues as well as contamination of that property.~~

3. We (WHO IS WE) assert that a "Hybrid Program" PLEASE DEFINE WHAT IS MEANT BY A HYBRID PROGRAM. ASSUME THAT IS THE PROTOCOL IN PLACE AND OUTLINED BELOW must be established immediately to facilitate the removal of the-LDP and other materials/evidence from that property;

4. The LDP will be removed to "The Gravel Pit" (Location and Identification of the gravel pit) with a gravel surface to stifle the growth of vegetation and remove the temptation of various unwanted creatures;

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5. Removal will be carried out by a Salvage Contractor (please identify the salvage contractor (s) who will permanently remove large structural pieces of material as mutually agreed to by the parties.- The parties request that the persons most knowledgeable of the sequencing of the initial removal be available and present such as from the "corn silos/tanks" and other obvious large structural items, that are not obviously associated with the "origin area" of the incident;

6. The retained material will be identified, documented and logged as evidence by Crane Engineering. The retained material will then be removed to "The Gravel Pit" and/or stored in a POD and secured;
7. The operation will be documented by video in total and a DVD of the process will be furnished by July 8, 2013 at a cost ~~as to be~~ determined by the number of parties requesting same;
8. All interested parties may have ~~a maximum of two~~ representatives present to witness the operation;
9. Any request ~~that evidence be removed and retained will be honored, that any large structural piece being permanently removed be maintained, that is of no obvious significance and is identified as from outside of the origin area, will be honored and the requesting party or parties will be responsible for the removal, documentation, transportation and storage of the item(s).~~ Crane Engineering /Adair will provide a master list of the items retained and shall be responsible for charges related to removal, documentation, transportation, storage and retention of the evidence;
10. ~~The Corn and Milo is currently in a deteriorating condition that is also attracting vermin and supporting degradation of the site.~~ Based on the requirements(s) of the TCEQ, EPA and the Texas State Chemist ~~the corn and milo~~ these products will be removed once adequate sampling of the " corn and milo" is performed. The parties request that prior to removal persons knowledgeable regarding the original storage location of the milo and corn on the plant site be available to provide this information and the problem mitigated immediately, confirm information available during the initial walk through.
- ~~11. This process will be documented by video in total and a DVD of the process will be furnished at cost as determined by the number requested;~~
- ~~12. Any debris alien to the grain products and dirt piles, considered significant, will be recovered and secured during the product removal process;~~
- ~~13. Any items removed during the Product Removal will be made a part of the "Master List of Items" maintained by Crane Engineering, Inc.; and~~
- ~~14. No inspection /removal and destruction of items shall take place until the parties have mutually agreed to the Protocol. If there are no objections to this protocol, the parties agree with the terms as written. Prepared by:~~
~~Steering Committee~~
Any and all documentation associated with the investigation shall be produced by July 8, 2013.

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